

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

March 15, 2012

In the Matter of BORDEAUX, Minors.

No. 305371

Kent Circuit Court

Family Division

LC No. 09-053970-NA

Before: METER, P.J., and FITZGERALD and MARKEY, JJ.

PER CURIAM.

Respondent appeals by right the trial court's order terminating his parental rights to his minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The children in this case were removed from their mother's care after the mother's boyfriend hit the children with a belt. Children's protective services had been involved with the mother for several months. It was determined that some of the children needed mental health services. After they were removed from their mother's home, the trial court did not place the children with respondent because there was a history of domestic violence between the mother and respondent and also between respondent and the children. At the adjudication hearing, respondent admitted the allegations of the amended petition that he had been diagnosed with bipolar disorder and that a personal protection order had previously been issued against him regarding the children's mother and one of the mother's children from respondent.

Respondent thereafter participated in services that petitioner suggested, including psychological evaluation, therapy, parenting classes, and visitation with the children. Though he participated in services regularly for approximately 20 months, respondent never appeared to benefit from the services. Visits with the children were difficult because of respondent's emotional instability and lack of parenting skills and because the children were terrified of him. The children reported that they were afraid of respondent because previously when their mother had been at work, he would lock them in their rooms and screw a board to the outside of each bedroom door. They were unable to use the bathroom or to eat. Respondent had choked two of the children, and the other children were also afraid of being choked. The children also had witnessed violence between respondent and their mother. One of the children was unwilling to visit with respondent, and another child reported that she never wanted to live with respondent again. A therapist working with one of the children testified that the child was terrified that respondent would try to choke her and that she was happy and relieved when visitation with respondent was suspended.

At the termination hearing, the foster care worker testified that respondent did not appear to understand that the children were afraid of him because of his past abuse of them. In fact, he had difficulty accepting responsibility for the trauma he inflicted on his children. The foster care worker further testified that though respondent was consistent in visiting, he was unable to supervise and discipline the children, unable to understand their cognitive abilities at their various ages, and displayed his frustrations to the children. At the conclusion of the termination hearing, the trial court terminated respondent's parental rights. The children's mother did not have her parental rights terminated.

Respondent contends that the trial court erred in terminating his parental rights under subsections (3)(c)(i), (g), and (j). We disagree. To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been demonstrated by clear and convincing evidence. *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005). In this case, a review of the record supports the trial court's finding that termination of respondent's parental rights was warranted under subsection (3)(c)(i) because the conditions that led to adjudication continued to exist, and there was no reasonable likelihood that the conditions would be rectified within a reasonable time considering the ages of the children. At the time of adjudication, respondent lacked emotional stability and parenting skills. Though respondent participated consistently in services, his failure to benefit from the services resulted in these conditions remaining unchanged at the time of the termination hearing.

The record similarly supports the trial court's finding under subsection (3)(g) that respondent failed to provide proper care and custody for the children and that there was no reasonable expectation that he would be able to do so within a reasonable time considering the children's ages. Respondent's failure to benefit from services resulted in his lacking the requisite mental health and parenting skills to provide for and parent the children and indicated that he was unlikely to acquire such skills within a reasonable time, if ever. Similarly, the record supports the trial court's finding that termination was warranted under subsection (3)(j) because there was a reasonable likelihood based on the conduct or capacity of respondent that the children would be harmed if placed in respondent's custody.

We also conclude that the trial court did not clearly err in determining that termination of respondent's parental rights was in the best interests of the children. MCL 712A.19b(5); *In re Jones*, 286 Mich App 126, 129; 777 NW2d 728 (2009). We reject respondent's argument that the trial court should not have terminated respondent's parental rights unless the rights of the children's mother were also terminated. Contrary to respondent's suggestion, there is no general disapproval of terminating only one parent's parental rights. Michigan law permits the termination of the parental rights of just one parent, and there is no obligation in such a situation that the issue be resolved through traditional custody and visitation proceedings. See *In re S R*, 229 Mich App 310, 316-317; 581 NW2d 291 (1998).

We affirm.

/s/ Patrick M. Meter
/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey